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SUBJECT: INDONESIA - 2006 AMENDED IPR PROJECT PROPOSALS

REF: A. Jakarta 3897; B. Jakarta 8114

¶1. This cable amends Embassy Jakarta's FY2006 Intellectual Property Rights (IPR) project proposal for INL Bureau funding contained in ref A. We continue to support our initial request of USD 356,000 to fund one senior technical advisor for a second and final year. In addition, we now request USD 100,000 to support IPR programming for our incoming resident legal advisor (RLA) arriving in August ¶2006. The new RLA has considerable IPR case experience and will include engaging the Government of Indonesia (GOI) on IPR enforcement among his formal responsibilities.

¶2. As ref B notes, cooperation between police and prosecutors on IPR cases remains weak. Police complain that once they send cases to the Attorney General's Office (AGO), it is often very difficult to obtain information on their outcomes. Meanwhile, prosecutors complain that, while police have recently referred many IPR-related case files to the AGO, police cases are often poorly investigated, lack sufficient evidence, or are intended to boost police arrest numbers and impress superiors. During a recent visit by one USTR official (ref B), senior police and AGO officials welcomed the idea of U.S.-supported joint workshops with the police, AGO and courts on IPR evidence collection, investigations and prosecutions as a means to promote better collaboration and cooperation on IPR cases.

¶3. We propose five separate workshops for 25-35 police, prosecutors and judges held in the cities of Jakarta, Semarang, Surabaya, Makassar and Medan. These cities contain major shipping ports and are natural entry points for pirate and counterfeit goods from overseas. They also each house one of Indonesia's five commercial courts, which have purview over civil IPR cases. The workshops would run roughly three days and rely entirely on local expertise, such as Embassy's RLA and two DOJ ICITAP IPR senior technical advisors assisting the GOI on optical disc regulation implementation and police IPR enforcement. Tapping other existing local IPR industry representatives and experts, we believe an effective series of workshops could be developed and executed with a cost of approximately USD 20,000 each. Our cost estimate is based on USAID's experience conducting similar size workshops using locally available lecturers and includes: hotel venue; translation and interpretation; travel, per diem and lodging for speakers; audio visual equipment; and miscellaneous other expenses.

¶4. Embassy Jakarta welcomes this opportunity to amend its INL IPR funding requests and looks forward to INL Bureau's decision.

PASCOE